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October 26, 2021

**VIA ECF**

The Honorable Robert B. Kugler  
United States District Court Judge  
District of New Jersey  
Mitchell H. Cohen Building & U.S. Courthouse  
4th & Cooper Streets Room 1050  
Camden, NJ 08101

Special Master the Honorable Thomas Vanaskie  
Stevens & Lee  
1500 Market Street, East Tower  
18th Floor  
Philadelphia, PA 19103

**Re: In re Valsartan, Losartan, and Irbesartan Products Liability Litigation**  
**Case No. 1:19-md-02875-RBK-JS**

Dear Judge Kugler and Special Master Vanaskie:

This letter is to provide Defendants' positions with respect to the topics on the agenda for the Case Management Conference with the Court on October 27, 2021. The parties do not expect the need to discuss any confidential materials as part of these agenda items.

**1. Scheduling of Deposition of Baohua Chen**

As the ZHP Parties have explained in earlier submissions regarding Plaintiffs' requests for the production of Mr. Chen's custodial file and his deposition, Mr. Chen is an active and participating member of several Chinese governmental bodies. (*See, e.g.*, Docs. 1244, 1244-10, and 1386-1.) On October 25, 2021, Duane Morris was informed that, due to his governmental responsibilities, the Chinese government has verbally denied Mr. Chen's request for a permit to



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travel to Macao to be deposed in this action. The ZHP Parties are still working with the Chinese government to determine whether its restriction on Mr. Chen's travel to appear for a deposition may be lifted or modified, and are also considering whether there are other alternatives for Mr. Chen to provide deposition testimony in this case. We anticipate being able to provide an update to the Court in this regard at the next Case Management Conference.

## **2. Status Update on Completion of Bellwether Plaintiff and Treater Depositions**

The parties have been working cooperatively and diligently to complete the depositions of the bellwether Plaintiffs and their treating medical providers. The vast majority of these have been completed or will be completed by the Court's deadline of November 4, 2021. Due to extenuating circumstances largely beyond the parties' control, however, there is one Plaintiff and four additional medical providers who will need to be deposed shortly after November 4th. The parties are in agreement with proceeding with these depositions as described below, and request the Court grant permission for the following depositions to occur shortly past the current deadline:

### **Bellwether Plaintiff Depositions**

All bellwether Plaintiffs have been deposed, with the exception of the anticipated estate representative in the Marvella Ochs case. Plaintiffs' counsel has indicated Mrs. Ochs' medical condition renders her unable to sit for a deposition, so the parties have agreed that Defendants will depose her anticipated estate representative. Given these circumstances, the parties have tentatively agreed to schedule the anticipated estate representative's deposition for November 19, 2021.



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**Medical Provider Depositions**

The parties have also made significant progress in completing the depositions of the bellwether Plaintiffs' treating medical providers. More than 25 treater depositions have been completed, and most of the remaining anticipated treater depositions have been scheduled to take place on or before the November 4 deadline. The parties anticipate they will be unable to complete an additional six depositions, other than the two previously addressed by Judge Vanaskie, prior to the November 4 deadline due to unavoidable circumstances, including the treaters' schedules and extenuating situations. Specifically, the parties have tentatively agreed to set the deposition of one treater in the Ochs matter on November 5, due to the circumstances stated above, as well as other commitments by Plaintiffs' counsel during the first two weeks of November. The parties have also tentatively agreed to depose one treater in the Ramirez case on November 10, to accommodate the doctor's schedule. The parties are also working to schedule the deposition of one treater in the Fields case, which will need to occur past the deadline due to the doctor's schedule. The deposition of another treater in the Svebek matter, which is being scheduled by Plaintiffs' counsel, has not yet been set and will also need to be scheduled past the November 4 deadline. In the Hanna case, one treater has indicated that he cannot be deposed before November 18. Finally, the parties are working to schedule the deposition of one doctor in the Welch matter and are not certain if the doctor will be able to provide availability before November 4.

Judge Vanaskie has previously granted Plaintiffs' counsel's request for leave to depose two treater depositions, in the Garcia and Crawford cases, after the deadline. These depositions are scheduled on November 16 and November 23, respectively.



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### **3. Status Update on Newly-Named Class Representatives**

Defendants write to apprise the Court of the progress on completion of the discovery ordered by Special Master Order No. 40. (Doc. 1514.) The parties continue to work to facilitate completion of the depositions of the 34 newly-named class representative plaintiffs by the December 3, 2021 deadline set by the Court. *Id.* As of this week, all 34 newly-named class representatives have filed Plaintiff Fact Sheets (“PFS”) corresponding to their status in the amended complaints. Among the 34 Plaintiffs, 10 PFSs are not substantially complete. Defendants have begun taking depositions for some class representatives, but are unable to move forward with certain of these depositions until such time as the Plaintiffs provide substantially complete PFSs, including corresponding key records. Defendants will continue to work with Plaintiffs’ counsel to obtain compliant PFSs and records so that these depositions may proceed on time.

### **4. Plaintiffs’ Request for Extension of Class Certification Deadlines**

Plaintiffs’ leadership counsel reached out to Defendants for the first time this afternoon to request a one-week extension of the November 3, 2021 class certification deadlines set forth in Case Management Order 23. (Doc. 863). As this issue has just been raised, the parties have not had an opportunity to meet and confer. Defendants will be prepared to address this request at the Case Management Conference on October 27, 2021.

### **5. Plaintiff Fact Sheet Deficiencies and Orders to Show Cause**

#### **Cases Addressed at the September 29, 2021 Case Management Conference:**

The Court issued three show cause orders returnable at the October 27, 2021 Case Management Conference:



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- *Landau, Valentin v. Aurobindo Pharma U.S.A., Inc., et al.* - 21-cv-11228
- *Rice, Helen v. Zhejiang Huahai Pharmaceutical Co., et al.* – 21-cv-10906
- *Phillips, Rex v. Aurobindo Pharma U.S.A., Inc., et al.* - 21-cv-09137

The issues in all of these matters are resolved, and those show cause orders may be withdrawn.

**Second Listing Cases – Order to Show Cause Requested:**

Pursuant to CMO-16, the Plaintiff Fact Sheets in the below cases are substantially incomplete and contain core deficiencies. Each of these three cases were previously listed on the agenda for a prior CMC. This list was provided to Plaintiffs' leadership on October 19, 2021, and a global meet and confer was held on October 21, 2021. Defendants have also been available for further discussion as needed. Accordingly, Defendants request that an Order to Show Cause be entered in each of these cases, returnable at the next case management conference, as to why these cases should not be dismissed.

Defense counsel will be prepared to address the individual issues with respect to each of these cases, to the extent necessary, during the October 27, 2021 Case Management Conference:

	Plaintiff	Civil Action No.	Law Firm	Deficiencies	Deficiency Sent
1.	Denton v. Solco Healthcare U.S., LLC	21-cv- 11255	Dunken Law Firm	Must submit undated health insurance authorizations	8/13/21
2.	Shawna Martinez	21-cv- 12152	Arnold & Itkin, LLP	No PFS filed	PFS due – 08/03/2021
3.	Stephen Gregory Johnston	21-cv- 12713	Terrell Hogan	No PFS filed	PFS due – 08/24/2021



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**First Listing Cases – Remaining Core Deficiencies:**

The following Plaintiff Fact Sheets contain core deficiencies which remain unresolved. This list was provided to Plaintiff leadership on October 19, 2021, and a global meet and confer was held on October 21, 2021. Defendants have also been available for further discussion as needed. This is the first time these cases have been listed on this agenda. Accordingly, Defendants are not requesting orders to show cause with respect to any of the below cases at this time and will continue to meet and confer to resolve these deficiencies.

	Plaintiff	Civil Action No.	Law Firm	Deficiencies	Deficiency Sent
1.	McLean, Mary	19-cv-2875	Barton & Burrows, LLC	Need to attach prescription and/or pharmacy records	9/30/2021
2.	Louissaint, Shylaine	21-CV-07797	Nagle Rice	PFS substantially incomplete, no authorizations, medical records, tax forms, or pharmacy records. Please see deficiency notice for complete listing.	9/13/2021
3.	Bourne-Boateng, Linda	21-cv-13011	Hollis Law Firm	Unsigned Declaration	9/21/2021
4.	Scott Hinrichs	1:21-cv-13735	Watts Guerra LLP	Failed to provide medical expenses, clarify reason for treatment/date range for NYU Lagone Hospital Long Island, provide primary oncologist and treatment facility for squamous cell skin cancer	09/21/2021



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5.	Daniel Albert Craigie	20-cv-12396	James E. Cazalot, Jr., APLC	Failed to provide medical expenses and treating healthcare provider, date of onset, and treatment received and outcome for hypertension	08/18/2021
6.	Stephanie Cahall v. Solco, et al	21-cv-12122	Stark & Stark	Failed to respond to DN	9/28/2021
7.	Charlie Johnston v. ZHP, et al.	EL Class Rep	Slack Davis Sanger, LLP	Failed to respond to DN	9/22/2021
8.	Merilyn Andre v. ZHP, et al.	EL Class Rep	Slack Davis Sanger, LLP	VII.1 - Failed to provide signed and dated declaration for the Plaintiff Fact Sheets.	9/22/2021
9.	Georgia Fatigato v. ZHP, et al.	EL Class Rep	Barton and Burrows, LLC	I.C.2. - Failed to attach records demonstrating product use. I.C.9. - Failed to provide complete information. Beginning and end dates for all Valsartan listed. IV.A.3. - Failed to provide complete information. Beginning and end dates for Valsartan and Hydrochlorothiazide. IV.A.6. - Failed to respond. Name of pharmacy that filled prescriptions for Lisinopril and Hydrochlorothiazide	9/22/2021
10.	Venus Dickinson v. ZHP, et al.	21-cv-13477		XI.A.1, 6 - Failed to provide properly signed, undated, and completed authorization.	9/7/2021
11.	Paulette Vaughn v. ZHP, et al	21-cv-13606	Parafinczuk Wolf, P.A.	I.D.1 - Failed to attach records showing injury. IV.D.1 - Failed to respond. Insurance Carriers VII.A.2.a - Failed to respond.	9/7/2021



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				Oncologist and treatment facility. XI.A.1 - Failed to provide properly signed, undated, and completed authorization. XI.A.6 - Failed to provide properly signed, undated, and completed authorization	
12.	Mary Kelly	21-cv-12969	Levin Papantonio	No PFS filed	PFS due – 08/23/2021
13.	Richard Chacon	21-cv-13513	Levin Papantonio	No PFS filed	PFS due – 09/07/2021
14.	Leroy Patrick	21-cv-13580	Douglas & London	No PFS filed	PFS due – 09/11/2021
15.	Christopher McVeigh	21-cv-13783	Levin Papantonio	No PFS filed	PFS due – 09/14/2021
16.	Stephenie Jordan	21-cv-14430	Levin Papantonio	No PFS filed	PFS due – 09/28/2021
17.	Deborah Harris	21-cv-06395	Arnold & Itkin, LLP	No PFS filed	PFS due – 05/22/2021
18.	Catrina Knowles	21-cv-15344	Levin Papantonio	No PFS filed	PFS due – 10/15/2021

Respectfully submitted,

/s/ Lori G. Cohen

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cc: Adam Slater, Esq. (*via email, for distribution to Plaintiffs' Counsel*)  
Jessica Priselac, Esq. (*via email, for distribution to Defendants' Counsel*)  
Seth A. Goldberg, Esq. (*via email*)  
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